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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,121	08/06/2003	Carolyn I. Duty	4020-005	2075
1400	7590	06/13/2005	EXAMINER	
BELSHEIM LAW OFFICE STEPHEN T. BELSHEIM 179 BELLE FORREST CIRCLE SUITE 102 NASHVILLE,, TN 37221			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/635,121

Applicant(s)

DUTY, CAROLYN I.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/01/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The new limitation “exclusively” is confusing. It seems that the strap as disclose requires fasteners 70, 66, and the strap is indirectly attached to itself by these fasteners.

2. Claims 1-3, 7-13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duty (5044699) in view of either Giugliano (584870) or Barnes (6070729). Duty teaches two bags and a plurality of straps holding the bag together and each strap attaches to itself exclusively. Duty meets all claimed limitations except for the single strap. Giugliano teaches that it is known in the art to provide a single strap mediate the handle F. It would have been obvious to one of ordinary skill in the art to provide a single strap Duty as taught by Giugliano to save material.

Barnes teaches that it is known in the art to provide single strap mediate the handle 18. It would have been obvious to one of ordinary skill in the art to provide a single strap mediate the handle in Duty as taught by Barnes to save material.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the strap in Duty as taught by either Giugliano or Barnes to provide an alternative strap. The new recitation “exclusively” does not require the strap to be directly attached to itself. Similar to the claimed strap, the straps in either Giugliano or Barnes are attached to itself by a separate fastener.

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3. Claims 4-6, 14, and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duty in view of either Barnes or Giugliano, and further in view of England (D206985). It would have been obvious to one of ordinary skill in the art to provide pockets in either Duty combinations as taught by England to store additional items.

Furthermore, it would have been obvious to one of ordinary skill in the art to provide pockets on both sides of the bags to store additional contents.

Furthermore, it would have been obvious to one of ordinary skill in the art to have the pockets accessible to access the contents easily.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Duty rejection, as set forth above, and further in view of Young et al. (4960204) or Bearman (5288150). It would have been obvious to one of ordinary skill in the art to construct the bag from a different kind of material (e.g. transparent plastic) in Duty rejection as taught by either Young or Bearman to enable one to see the inside contents of the pocket.

5. Applicant's arguments have been fully considered but they are not persuasive. As set forth above, it would have been obvious to one of ordinary skill in the art to provide a single strap Duty as taught by Giugliano or Barnes or to save material. With respect to the new limitation, it is submitted that Duty teaches that each strap can be attached to itself exclusively. Furthermore, it is noted that applicant's invention requires an attachment mechanism, hook and loop fasteners in order to have each strap to attach to itself exclusively. Each of the Giugliano or Barnes, similarly, has a attachment mechanism, buckle f and ring 20 respectively to have strap to attach to itself. The term "exclusively" does not impart any structures over the fastening mechanism being used in either Giugliano or Barnes.

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Regarding the combinations with England, Young, and Bearman, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, to provide a pocket as taught by England would have been obvious since provide pockets outside of a bag, one side or both sides would have been obvious. Likewise, it would have been obvious to one of ordinary skill in the art to construct the bag from a different kind of material (e.g. transparent plastic) in Duty rejection as taught by either Young or Bearman to enable one to see the inside contents of the pocket.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

